CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	✓ Discourt.	□ U.S.
Frank Montgoris		Squad #12	201801809	✓ Abuse	O.L.	☐ Injury
Tank Wontgons		Squau #12	201601609	Abuse	V O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Thursday, 02/15/2018 5:59 PM		Intersection of Roseds Story Avenue	ale Avenue and	43	8/15/2019	8/15/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Tim	e Received at CCI	RB
Tue, 03/06/2018 3:11 PM		CCRB	E-mail	Tue, 03/0	6/2018 3:11 PM	
Complainant/Victim	Туре	Home Addı	ess	•		
Subject Officer(s)	Shield	TaxID	Command			
1. POM Michael Heinz	09897	953959	PSA 8			
2. SGT Wilbert Rodriguez	04389	919641	PSA 8			
3. POM Jimmie Moore	25780	925771	PSA 8			
Officer(s)	Allegatio	on		Inv	estigator Recon	nmendation
A.SGT Wilbert Rodriguez	Abuse: S	ergeant Wilbert Rodrig	guez stopped the veh	icle in		
	which ^{§ 87} and ^{§ 87(2)}	(b) were occu	inente			
B.SGT Wilbert Rodriguez		ergeant Wilbert Rodrig	•	87(2)(b)		
D.501 Whoch Rodinguez		se of a recording device				
C.POM Michael Heinz	Discourtesy: Police Officer Michael Heinz spoke discourteously to \$87(2)(5)					
D.POM Michael Heinz	Off. Lang to § 87(2)(b) orientation		Michael Heinz made upon her perceived s			
§ 87(4-b), § 87(2)(g)						
§ 87(4-b), § 87(2)(g)						
§ 87(4-b), § 87(2)(g)						

<u>Case Summary</u> a reporting non-witness and civil attorney, filed

On February 15, 2018, \$87(2)(b) a reporting non-witness and civil attorney, filed this complaint via e-mail with the IAB Command Center on behalf of his clients \$87(2)(b) generating log number 18-06498.
The CCRB received this case on March 6, 2018.
On February 15, 2018, at approximately 5:59 p.m., Sgt. Wilbert Rodriguez, PO Michael
Heinz, and PO Jimmie Moore, of the PSA 8 Anti-Crime unit, stopped 887(2)(b) s vehicle,
containing \$87(2)(b) and \$87(2)(b) near the intersection of Rosedale
, , , , , , , , , , , , , , , , , , ,
Rodriguez interfered with \$87(2)(b) s use of a recording device (Allegation B: Abuse of
Authority, \$87(2)(9)). PO Heinz allegedly spoke discourteously to \$87(2)(6)
(Allegation C: Discourtesy, \$87(2)(9)). PO Heinz allegedly made remarks to \$27(2)
based on her perceived sexual orientation (Allegation D: Offensive Language,
§ 87(2)(g)). § 87(4-b), § 87(2)(g)
No arrests or
summonses resulted from this incident.
Video footage searches were conducted via TARU, GoogleMaps, and the body-worn
camera (BWC) list. However, all searches yielded negative results. Additionally, while §87(2)(b)
presented cell phone video during this in-person statement which captured a portion of this
incident, he ultimately refused to provide it to the CCRB. Therefore, no relevant video footage for
this case was obtained.
IAB's Housing Bureau of Investigations Unit conducted a concurrent investigation for
this incident under Misconduct case #18-0500. However, the status of their investigation is
currently unknown.
Allegation A – Abuse of Authority: Sergeant Wilbert Rodriguez stopped the vehicle in
Allegation A – Abuse of Authority: Sergeant Wilbert Rodriguez stopped the vehicle in which \$87(2)(b) and \$87(2)(b) were
which \$87(2)(b) and \$87(2)(b) were
which \$87(2)(b) and \$87(2)(b) were occupants.
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued.
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b)
which \$7(2)(b) and \$7(2)(b) were occupants. It is undisputed that officers stopped \$7(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$7(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$7(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$7(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board
which \$\frac{87(2)(b)}{0ccupants.} It is undisputed that officers stopped \$\frac{87(2)(b)}{87(2)(b)}\$ s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$\frac{87(2)(b)}{87(2)(b)}\$ alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$\frac{87(2)(b)}{87(2)(b)}\$ denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$\frac{87(2)(b)}{87(2)(b)}\$ who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01).
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$87(2)(b) \$87(2)(b) s brother, alleged that, prior to being
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$87(2)(b) s brother, alleged that, prior to being pulled over, \$87(2)(b) was holding a cell phone in the rear driver's seat for navigational
which \$7(2)(b) and \$7(2)(b) were occupants. It is undisputed that officers stopped \$7(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$7(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$7(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$7(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$7(2)(b) s brother, alleged that, prior to being pulled over, \$7(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$7(2)(b) denied that \$7(2)(b) had his phone in his hand while driving.
which \$7(2)(b) and \$7(2)(b) were occupants. It is undisputed that officers stopped \$7(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$7(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$7(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$7(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$7(2)(b) s brother, alleged that, prior to being pulled over, \$7(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$7(2)(b) denied that \$7(2)(b) had his phone in his hand while driving. During his in-person statement, \$7(2)(b) presented cell phone video of the incident. The
which \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$87(2)(b) \$87(2)(b) s brother, alleged that, prior to being pulled over, \$87(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$87(2)(b) denied that \$87(2)(b) had his phone in his hand while driving. During his in-person statement, \$87(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$87(2)(b) identified as PO Moore,
which \$87(2)(b) and \$97(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$97(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$87(2)(b) s brother, alleged that, prior to being pulled over, \$87(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$87(2)(b) denied that \$87(2)(b) had his phone in his hand while driving. During his in-person statement, \$87(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$87(2)(b) identified as PO Moore, is heard saying that the reason for the stop was because \$87(2)(b) was holding a phone in his
which \$37(2)(b) were occupants. It is undisputed that officers stopped \$37(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$37(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$37(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$37(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$37(2)(b) s \$37(2)(b) s brother, alleged that, prior to being pulled over, \$37(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$37(2)(b) denied that \$37(2)(b) had his phone in his hand while driving. During his in-person statement, \$37(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$37(2)(b) identified as PO Moore, is heard saying that the reason for the stop was because \$37(2)(b) was holding a phone in his hand while driving. Another individual, who \$37(2)(b) identified as \$37(2)(b) is heard
which \$57(2)(b) and \$57(2)(b) were occupants. It is undisputed that officers stopped \$57(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$57(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$57(2)(b) and denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$57(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$57(2)(b) s brother, alleged that, prior to being pulled over, \$57(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$57(2)(b) and denied that \$57(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(b) identified as \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(c) identified as \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(c) identified as \$57(2)(c) was ultimately uncooperative in
which \$87(2)(b) and \$87(2)(b) were occupants. It is undisputed that officers stopped \$87(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$87(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$87(2)(b) denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$87(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$87(2)(b) s brother, alleged that, prior to being pulled over, \$87(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$87(2)(b) denied that \$87(2)(b) had his phone in his hand while driving. During his in-person statement, \$87(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$87(2)(b) identified as PO Moore, is heard saying that the reason for the stop was because \$87(2)(b) was holding a phone in his hand while driving. Another individual, who \$87(2)(b) identified as \$87(2)(b) is heard responding, "I was on my phone for GPS." \$87(2)(b) was ultimately uncooperative in providing the video to the CCRB, instructing the CCRB to obtain the video through \$87(2)(b)
which \$57(2)(b) and \$57(2)(b) were occupants. It is undisputed that officers stopped \$57(2)(b) s vehicle on February 15, 2018, and that no summonses were issued. In his sworn statement, \$57(2)(b) alleged that Sgt. Rodriguez told him that he had been stopped because he had his cell phone in his hand. \$57(2)(b) and denied to the investigation having his phone in his hand at any point while driving and instead alleged that \$57(2)(b) who was sitting in the passenger's seat, was on the phone for navigational purposes (Board Review 01). In his sworn statement, \$57(2)(b) s brother, alleged that, prior to being pulled over, \$57(2)(b) was holding a cell phone in the rear driver's seat for navigational purposes. \$57(2)(b) and denied that \$57(2)(b) presented cell phone video of the incident. The recording was played on-record, and an individual, whom \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(b) identified as \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(c) identified as \$57(2)(c) was holding a phone in his hand while driving. Another individual, who \$57(2)(c) identified as \$57(2)(c) was ultimately uncooperative in

Page 2

and \$87(2)(b) and \$87(2)(c) in unsworn phone statements, further denied that \$87(2)(c) was on his phone during the drive. Instead, \$87(2)(c) alleged that \$87(2)(c) was the individual on his phone prior to being pulled over, while \$87(2)(c) attested this action to \$87(2)(c) Both individuals were ultimately uncooperative with providing sworn statements to the investigation (Board Reviews 03 and 04). PO Heinz, Sgt. Rodriguez, and PO Moore all consistently testified that they observed driving while holding a cell phone in his hand. PO Heinz stated that he used
discretion in releasing 887(2)(6) without issuing him a summons for being on his phone (Board Reviews 05, 06, and 07).
No person shall operate a motor vehicle while using any portable electronic device while
the vehicle is in motion, including while temporarily stationary. NYS Vehicle and Traffic Law, Article 33, Section 1225-d. Engaging in this activity is prohibited and is considered a traffic infraction. Id (Board Review 08).
§ 87(2)(g)
Allegation B – Abuse of Authority: Sergeant Wilbert Rodriguez interfered with successful
§ 87(2)(b) who was sitting in the front passenger's seat, alleged that § 87(2)(b)
provided his learner's permit to Sgt. Rodriguez, who then returned to the police vehicle. When
Sgt. Rodriguez returned, \$87(2)(b) began recording him with his cell phone. \$87(2)(b)
asked Sgt. Rodriguez questions pertaining to the stop, but Sgt. Rodriguez told \$87(2)(b) to put
his phone down and shone his flashlight into the phone's camera. §87(2)(b) put his phone down as a result. In the cell phone video that §87(2)(b) presented in his in-person statement, a
voice whom \$87(2)(b) identified to be PO Heinz is heard asking, "Is he recording?" Another
voice, who \$87(2)(b) identified to be Sgt. Rodriguez then states, "Put your phone down."
is heard responding, "I can't record? I'm a put it down." As previously stated,
ultimately refused to provide this video to the CCRB but an audio recording of the
video was played during the sworn statement (Board Review 02).
who was sitting in the front passenger's seat, was recording the incident when PO Heinz flashed his flashlight towards \$87(2)(b) and told
him, "Put the fucking phone down. You must not have learned from the last one. Still with the
recording, huh?" \$87(2)(b) who was trying to hide the fact that he was recording, told PO
Heinz, "I'm not even recording." \$87(2)(b) believed that, because of PO Heinz's actions,
got scared and stopped recording. \$87(2)(b) did not make any interference
allegation against Sgt. Rodriguez (Board Review 01). § 87(2)(b) in a brief unsworn phone statement, alleged that § 87(2)(b) was
recording the incident when Sgt. Rodriguez told him to stop doing so. \$87(2)(6) stopped
recording at Sgt. Rodriguez's request. \$87(2)(b) who also provided an unsworn phone
statement, stated that an officer whom he identified as "Det. Martinez" told §87(2)(b) who
Page 3

was recording the incident, "Get that out of my face. You don't have to record me." \$87(2)(b)
in response, readjusted his cell phone but continued to record the interaction. Both and \$87(2)(b) as a previously stated, ultimately failed to provide a sworn
statement (Board Reviews 03 and 04).
Sgt. Rodriguez did not recall if \$87(2)(b) had his cell phone visible or in his hand
during the car stop, and did not recall whether \$87(2)(b) ever made it known to the officers
that he was recording the incident. Sgt. Rodriguez did not remember if he observed \$87(2)(b) recording the incident, and did not recall ever telling \$87(2)(b) to put his phone away (Board
Review 06).
PO Heinz testified that he did not recall \$87(2)(6) being present at all during this
incident, and did not recall there being any issue with any civilian recording the incident. PO
Moore did not observe \$87(2)(b) s cell phone during the stop, and did not know whether was recording the incident. PO Moore denied hearing Sgt. Rodriguez ever tell
was recording the incident. FO Moore defined hearing Sgt. Rodriguez ever ten services to put his phone away (Board Reviews 05 and 07).
Individuals have a right to lawfully record police activity if they are not engaging in
actions that jeopardize the safety of the officer, the suspect, or others in the vicinity. <u>Legal Bureau</u>
<u>Bulletin, Office of the Deputy Commissioner</u> (May 2016). Police officers may not order an individual to stop recording if the individual is videotaping. <u>Id</u> . (Board Review 09)
\$87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
Allegation C – Discourtesy: Police Officer Michael Heinz spoke discourteously to 887(2)(b)
alleged that, at the conclusion of the stop and before he drove away, PO
Moore told him, "You gonna watch my fucking foot?" \$87(2)(b) responded, not knowing
that PO Moore's foot was near his tire, "Oh, I'm sorry. I didn't know your foot was there."
then drove away (Board Review 01).
did not allege any discourtesies on behalf of \$87(2)(6) during his inperson statement. However, during a follow-up phone call, when asked if any officer used
profanity towards § 87(2)(b) \$87(2)(b) alleged that PO Heinz told § 87(2)(b) "Watch
out for my fucking foot." \$87(2)(b) was unsure of the context of this conversation, but stated
that the comment was made immediately prior to §87(2)(b) driving away (Board Reviews 02
and 10).

Page 4

in an unsworn phone statement, stated that an officer told §87(2)(b) "Are you just going to pull off with my foot there?" When asked if there was any profanity used
during this statement, \$87(2)(6) believed there was, but was ultimately unsure.
who also provided an unsworn phone statement, did not provide any testimony
regarding this allegation. Both \$87(2)(b) and \$87(2)(b) as previously stated, were
ultimately uncooperative with providing the investigation with a sworn statement (Board Reviews
03 and 04).
PO Heinz testified that, upon handing \$87(2)(b) so documentation back to him
through the driver's side window, \$87(2)(b) began driving away before PO Heinz had taken
his hand out of the window. The rear driver's side tire ran over PO Heinz's foot, and PO Heinz
told \$87(2)(6) to watch out for his foot. PO Heinz denied saying, "Watch out for my fucking
foot," and denied using any profanity in advising \$87(2)(6) to watch out for his feet (Board
Review 05).
PO Moore denied telling \$87(2)(b) "Watch out for my fucking foot," and denied
hearing another officer do so. PO Moore denied that \$87(2)(5) ran over his or another
officer's foot prior to leaving the location. Sgt. Rodriguez denied hearing PO Heinz say, "Watch
out for my fucking foot," or use any other profanity (Board Reviews 06 and 07).
The portion of the incident at which this allegation was alleged to have occurred was not
captured on \$87(2)(b) s cell phone footage.
Although §87(2)(b) made this allegation against PO Moore, PO Heinz
acknowledged being the officer who advised §87(2)(b) to watch out for his foot. Therefore,
this allegation was pleaded against PO Heinz.
§ 87(2)(g)
§ 87(2)(g)
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to 887(2)(6)
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to based on her perceived sexual orientation.
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) alleged that PO Heinz told \$87(2)(b)
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(6) based on her perceived sexual orientation. In his in-person statement, \$87(2)(6) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(6) based on her perceived sexual orientation. In his in-person statement, \$87(2)(6) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to save based on her perceived sexual orientation. In his in-person statement, save alleged that PO Heinz told save over. You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$37(2)(6) based on her perceived sexual orientation. In his in-person statement, \$37(2)(6) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$37(2)(6) further alleged that PO Heinz called \$37(2)(6) a "fucking dyke"
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$87(2)(b) further alleged that PO Heinz called \$87(2)(b) a "fucking dyke" (Board Review 01).
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$37(2)(5) based on her perceived sexual orientation. In his in-person statement, \$37(2)(5) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$37(2)(5) further alleged that PO Heinz called \$37(2)(5) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$37(2)(5) denied that any officer used any profanities towards her or made any "offensive" comments towards her. Further, \$37(2)(5)
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to 397(2)(b) based on her perceived sexual orientation. In his in-person statement, 397(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$87(2)(b) further alleged that PO Heinz called \$87(2)(b) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$87(2)(b) denied that any officer used any profanities towards her or made any "offensive" comments towards her. Further, \$1000000000000000000000000000000000000
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$37(2)(5) based on her perceived sexual orientation. In his in-person statement, \$37(2)(5) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$37(2)(5) further alleged that PO Heinz called \$37(2)(5) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$37(2)(5) denied that any officer used any profanities towards her or made any "offensive" comments towards her. Further, \$37(2)(5)
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$87(2)(b) further alleged that PO Heinz called \$87(2)(b) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$87(2)(b) was uncooperative with providing a sworn statement to the investigation (Board Review 03).
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$87(2)(b) further alleged that PO Heinz called \$87(2)(b) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$87(2)(b) was uncooperative with providing a sworn statement to the investigation (Board Review 03).
Allegation D – Offensive Language: Police Officer Michael Heinz made remarks to \$87(2)(b) based on her perceived sexual orientation. In his in-person statement, \$87(2)(b) "You're a fucking wannabe boy. You're always in guy's shit. That's why I'm always pulling you over. You need to stay in your lane because your dyke-ass is always with guys. Go be with your girls. You don't even like dick so why are you going around with a whole bunch of dick all the time?" \$87(2)(b) further alleged that PO Heinz called \$87(2)(b) a "fucking dyke" (Board Review 01). During her brief unsworn phone statement, \$87(2)(b) was uncooperative with providing a sworn statement to the investigation (Board Review 03).

Page 5

§ 87(4-b), §	87(2)(g)
	Mediation Civil and Cuincipal Histories
	Mediation, Civil, and Criminal Histories
•	This case was not suitable for mediation.
•	§ 87(2)(b)
•	§ 87(2)(b)
•	§ 87(2)(b)

Page 6

- According to OCA, \$87(2)(b) has no history of convictions in New York City (Board Review 17). and § 87(2)(b) filed a Notice of Claim with the City of New York claiming illegal searches, property damage, and physical and psychological trauma, and is seeking an unspecified amount as redress. On September 24, 2018, a request was submitted with the Comptroller's Office inquiring about a 50H hearing. That request is still pending as of the writing of this report (Board Reviews 18 and 19). Civilian and Subject Officer CCRB Histories
- PO Heinz has been a member-of-service for five years and has been a subject in nine CCRB complaints and 29 allegations, of which one was substantiated:

Page 7

CCRB case 201709949 involved a substantiated allegation of physical force against PO Heinz. The Board recommended charges, and the NYPD has not yet imposed discipline. § 87(2)(g) Sgt. Rodriguez has been a member-of-service for 21 years and has been a subject in six CCRB complaints and 19 allegations, none of which have been substantiated. PO Moore has been a member-of-service for 18 years and has been a subject in 11 CCRB complaints and 27 allegations, four of which were substantiated: CCRB case 201407548 involved a substantiated allegation of interfering with a recording device against PO Moore. The Board recommended formalized training, and the NYPD imposed a penalty of formalized training. CCRB case 201602039 involved substantiated allegations of use of pepper spray and discourtesy against PO Moore. The Board recommended Command Discipline "A", and the NYPD imposed a penalty of Command Discipline "B." CCRB case 201709949 involved a substantiated allegation of use of pepper spray against PO Moore. The Board recommended charges, and the NYPD has not yet imposed discipline. Squad No.: 12 Investigator:

Print Title & Name

Print Title & Name

Print Title & Name

Date

Date

Date

Page 8

Signature

Signature

Signature

CCRB Case # 201801809

Squad Leader: _

Reviewer: